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MEMO ENDORSED

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Chambers of the Honorable Valerie E. Caproni
United States District Court, Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Jason Davalos et al. v. Hydrafacial LLC et al.*,
No. 1:24-cv-08073-VEC

Dear Chambers of Judge Caproni:

I am counsel for Plaintiffs in the above-entitled action and write to request, jointly with Defendants' counsel, that the Initial Pretrial Conference calendared for January 10, 2025 (*see* ECF No. 8) be adjourned until February 21, 2025 or the next available Court date.

Plaintiffs filed their Class Action Complaint ("CAC") on October 24, 2024. *See* ECF No. 1. On November 4, 2024, both defendants returned their respective executed Waiver of Summons forms, making their response to the CAC due by December 30, 2024. *See* ECF Nos. 9 and 10. Counsel for the parties have conferred, and Defendants intend to move to dismiss the CAC in its entirety. Under Civil Local Rule 6.1(b), Plaintiffs would have until January 10, 2025 to file any opposition to the motion or until January 17, 2025 to file any amended pleading. To facilitate a comprehensive and efficient Initial Pretrial Conference, the parties agree that it would be beneficial for the Court to have the benefit of Defendants' motion and any opposition or amended pleading when it holds the Conference. Accordingly, the parties jointly request that the Court adjourn the Conference currently set for January 10, 2025 and re-schedule it on February 21, 2025 at 10:00 am or the next available Court date.

This joint request is made without prejudice to any party's right to request or oppose a further adjournment of the Initial Pretrial Conference, and any deadline under Federal Rule 26(f) to meet and confer before the Conference would be correspondingly reset to be linked to the any new Conference date the set by the Court.

Respectfully submitted,



Roy A. Katriel (*pro hac vice*)
THE KATRIEL LAW FIRM, P.C.
Counsel for Plaintiffs

Application DENIED. The Court is not inclined to adjourn the initial pretrial conference unless the parties agree to stay all discovery pending the Court's decision on Defendants' anticipated motion to dismiss.

Defendants must respond to the Complaint not later than **Monday, December 30, 2024**. If Defendant moves to dismiss, Plaintiffs may either file an opposition to the motion to dismiss or amend the Complaint as of right, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), not later than **Monday, January 20, 2025**. If Plaintiffs oppose the motion to dismiss, any reply must be filed not later than **Monday, January 27, 2025**.

Finally, counsel for Defendants must promptly file notices of appearance on the public docket.

SO ORDERED.

 12/19/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE